

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-758

May 8, 2001

PUBLIC UTILITIES COMMISSION  
Investigation into Use of Central Office  
Codes (NXXs) by New England Fiber  
Communications, LLC d/b/a Brooks Fiber

ORDER APPROVING  
REQUEST OF GWI TO  
EXTEND DEADLINE FOR  
PROVIDING  
GRANDFATHERED RX  
SERVICE

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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In this Order we grant a motion by GWI, a customer of New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks), to allow Brooks to continue until September 30, 2001, to provide the RX service the Commission has permitted Brooks to provide on a limited, grandfathered basis. Brooks may continue that service to GWI until July 30, 2001 and to RCN.com (RCN) until September 30, 2001.

In our prior orders we have found that Brooks had offered an "FX-like" service on an unauthorized basis, but we also required it to file rates, terms and conditions for that service (labeled "RX" service) on a grandfathered basis for those customers who were subscribers at the time of the Commission's findings and Order No. 4, issued on May 26, 2000 and June 30, 2000. Both GWI and RCN are customers of the grandfathered service.

In our Order on Reconsideration in this docket, issued on November 14, 2000, pursuant to comments filed by RCN and Javanet, Inc., we decided to allow Brooks to continue the grandfathered service for six months, i.e., until May 14, 2001.

GWI's request stated many facts that since that time have been mooted by events. Nevertheless, there have been delays both by Verizon in provisioning the new service that the Commission ordered Verizon to provide (PRI-Hub service) and in GWI's readiness to connect to that service. Based on the latest information provided to the Commission Staff by GWI and Verizon, GWI plans to transfer its customers from the existing Brooks service to the new Verizon service between mid-May and mid-June.

The Staff has also participated in conference calls with RCN, Verizon and Brooks. RCN needs to move certain facilities from Brooks's premises to a new location. That location is not yet ready. Based on the best information available at this time, RCN will be able to connect to the Verizon service by the end of August.

Accordingly, we

ORDER

That New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks) may provide grandfathered RX service to GWI until July 30, 2001 and to RCN.com until September 30, 2001.

Dated at Augusta, Maine, this 8<sup>th</sup> day of May, 2001.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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